

DEC 29 2005

MVMDINC.5DV1C1

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant	:	Frazier, et al.
Appl. No.	:	10/696,799
Filed	:	October 30, 2003
For	:	METHOD AND APPARATUS FOR CLOSING A BODY LUMEN
Examiner	:	Manuel Mendez
Group Art Unit	:	3763

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee cv3 Sunnyvale, Inc. ("Assignee"), by virtue of a Power of Attorney executed on September 17, 1999, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-captioned application and in U.S. Patent No. 6,641,557 by virtue of an assignment and name change documents recorded at Reel No. 010261, Frame No. 0181; Reel No. 012322, Frame No. 0178; and Reel No. 013403, Frame No. 0477 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of the full

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statutory term of U.S. Patent No. 6,641,557, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the instant application and U.S. Patent No. 6,641,557 are co-owned. This agreement extends to any patent granted on the above-captioned application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-captioned application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,641,557 and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$130 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4-25-05

By: 

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